IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO NO. 1063 OF 1988 (O&M)
DATE OF DECISION 12.7.2006

Jamna Dass

Versus

Jagir Singh and others

Present: Mr. Vivek Goyal, Advocate for the appellant.

Ms. Ritu Bahri, DAG, Haryana

Mr. N.K. Khosla, Advocate for respondent No.7

Rajesh Bindal, J.

This is an appeal against the award of Motor Accident Claims Tribunal, Gurgaon in MACT Case No. 36 of 1987, resulting out of an accident between a truck and Haryana Roadways bus bearing No. HRM No. 8737. Claimant Jamna Dass was traveling in the bus. As a result of accident claimant suffered injuries and remained in hospital. He got 5 % permanent disability due to said accident. In the claim petition the claimant has made an averment that he was working as porter at Air Port and was earning Rs. 1,000/- per month. In the evidence it was explained that he got salary of Rs. 240/- per month from the contractor and balance amount he was earning from the tips given by the passengers at the Air Port. The Tribunal assessed compensation in the following terms i.e. Rs. 3,500/- on account of loss of salary as according to the claimant he remained out of job for three and a half months. This was being calculated taking the income of Rs. 1,000/- per month. On account of medical expenses a sum of Rs. 1,000/- has been granted, since there was no evidence on record to prove the claim of Rs. 10,000/-. Rs. 10,000/- was granted on account of 5 % permanent disability and another a sum of Rs. 4,000/- was granted for pain and suffering. In total a sum of Rs. 18,500/- was awarded as compensation.

I have heard counsel for the parties.

Keeping in view the fact that the claimant suffered permanent disability to the extent of 5% and also remained admitted in hospital and out of job for a period of three and a half months, the compensation awarded on account of 5% permanent disability and also on account of pain

and sufferings deserves to be enhanced.

Keeping in view the totality of circumstances, I am of the view that a reasonable compensation of Rs. 20,000/- on account of 5 % disability whereas on account of pain and sufferings a sum of Rs. 14,000/-would be reasonable compensation as against Rs. 10,000/- and Rs. 4,000/- awarded by the Tribunal respectively. The enhanced compensation of Rs. 20,000/- granted to the claimant will be payable alongwith interest at the rate of 6 % per annum from the date of claim petition i.e. 20.3.1987 till its recovery.

The award of the Tribunal is modified to the extent mentioned above and the appeal is accepted accordingly.

July 12, 2006 **(RAJESH BINDAL)**
gsv **JUDGE**